

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL KOZLOWSKI,

Plaintiff,

v.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

)
) Case No.: 3:20-cv-00086-CLB
)

) **STIPULATION FOR THE AWARD AND**
) **PAYMENT OF ATTORNEY FEES AND**
) **EXPENSES PURSUANT TO THE EQUAL**
) **ACCESS TO JUSTICE ACT, 28 U.S.C.**
) **§ 2412(d), AND COSTS PURSUANT TO**
) **28 U.S.C. § 1920**
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)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
subject to the approval of the Court, that Plaintiff Paul Kozlowski be awarded attorney fees and
expenses in the amount of six hundred and seventeen dollars and twenty-seven cents (\$617.27) under
the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920.
This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel
in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

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1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
 2 matter of Plaintiff's assignment of EAJA fees to Osterhout Berger Disability Law, LLC. Pursuant to
 3 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the
 4 assignment will depend on whether the fees are subject to any offset allowed under the United States
 5 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the
 6 government will determine whether they are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
 8 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
 9 and costs to be made directly to Osterhout Berger Disability Law, LLC, pursuant to the assignment
 10 executed by Plaintiff. Any payments made shall be delivered to counsel, Lindsay Osterhout.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
 12 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
 13 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and
 14 all claims that Plaintiff Paul Kozlowski and/or Lindsay Osterhout, including Osterhout Berger
 15 Disability Law, LLC, and Hal Taylor may have relating to EAJA attorney fees in connection with this
 16 action.

17 This award is without prejudice to the rights of Lindsay Osterhout and/or Osterhout Berger
 18 Disability Law, LLC, and Hal Taylor to seek Social Security Act attorney fees under 42 U.S.C.
 19 § 406(b), subject to the savings clause provisions of the EAJA.

20
 21 Dated: November 3, 2020

Respectfully submitted,

22 OSTERHOUT BERGER DISABILITY LAW, LLC

23 /s/ Lindsay F. Osterhout

LINDSAY F. OSTERHOUT

24 (*as authorized via email on November 3, 2020)

25 Attorney for Plaintiff

1 Dated: November 3, 2020

Respectfully submitted,

2 NICHOLAS A. TRUTANICH
3 United States Attorney

4 /s/ Allison J. Cheung
5 ALLISON J. CHEUNG
6 Special Assistant United States Attorney
7 Attorneys for Defendant
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9 IT IS SO ORDERED:

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11 HON. CARLA L. BALDWIN
12 UNITED STATES MAGISTRATE JUDGE

13 DATED: November 3, 2020
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CERTIFICATE OF SERVICE

I, Allison J. Cheung, certify that the following individual(s) were served with a copy of the foregoing **STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d), AND COSTS PURSUANT TO 28 U.S.C. § 1920** on the date, and via the method of service, identified below:

CM/ECF:

Lindsay Osterhout
Lindsay@mydisabilityattorney.com
Attorney for Plaintiff

Hal Taylor
haltaylorlawyer@gbis.com
Attorney for Plaintiff

Dated: November 3, 2020

/s/ Allison J. Cheung
ALLISON J. CHEUNG
Special Assistant United States Attorney